

BOARD OF SUPERVISORS CITY AND COUNTY OF SAN FRANCISCO

City Hall, 1 Dr. Carlton B.
Goodlett Place
San Francisco, CA 94102-4689

MEETING MINUTES

Tuesday, December 16, 2008 2:00 PM

Legislative Chamber - Second Floor
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Regular Meeting

AARON PESKIN, PRESIDENT

**MICHELA ALIOTO-PIER, DAVID CAMPOS, CARMEN CHU, CHRIS DALY,
BEVAN DUFTY, SEAN ELSBERND, SOPHIE MAXWELL, JAKE McGOLDRICK,
ROSS MIRKARIMI, GERARDO SANDOVAL**

Angela Calvillo, Clerk of the Board

BOARD COMMITTEES

Committee Membership

Budget and Finance Committee

Supervisors McGoldrick, Mirkarimi, Elsbernd

City and School District Select Committee

Mirkarimi, Dufty, Alioto-Pier, Commissioners Maufas, Mendoza, Mar

City Operations and Neighborhood Services Committee

Supervisors Chu, McGoldrick, Elsbernd

Government Audit and Oversight Committee

Supervisors Peskin, Campos, Maxwell

Land Use and Economic Development Committee

Supervisors Maxwell, Sandoval, Peskin

Public Safety Committee

Supervisors Maxwell, Mirkarimi, Dufty

Rules Committee

Supervisors Daly, Dufty

Meeting Days

Wednesday
1:00 PM

1st and 3rd Thursday
3:30 PM

1st and 3rd Thursday
1:00 PM

1st and 3rd Monday
10:00 AM

Monday
1:00 PM

2nd and 4th Monday
10:00 AM

1st and 3rd Thursday
10:00 AM

First-named Supervisor/Commissioner is Chair, Second-named Supervisor/Commissioner is Vice-Chair, of the Committee.

Volume 103 Number 40

Members Present: Michela Alioto-Pier, David Campos, Carmen Chu, Chris Daly, Bevan Dufty, Sean Elsbernd, Sophie Maxwell, Jake McGoldrick, Ross Mirkarimi, Aaron Peskin, Gerardo Sandoval.

ROLL CALL AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 2:11 p.m. On the call of the roll all Supervisors were noted present.

APPROVAL OF MEETING MINUTES

Supervisor Dufty, seconded by Supervisor Elsbernd, moved to approve the Board Meeting Minutes of November 4, 2008 and November 18, 2008. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

AGENDA CHANGES

CONSENT AGENDA

Recommendations of the Budget and Finance Committee

081283 [Approving an Amendment to the Western Addition A-2 Redevelopment Plan to Extend the Redevelopment Agency's Time for Issuing and Repaying Debt and to Suspend the Limit on Total Tax Increment Revenue for Affordable Housing Development]

Supervisor Mirkarimi

Ordinance approving an amendment to the Western Addition A-2 Redevelopment Plan to extend both the time for issuance of debt and the receipt of tax increment by the San Francisco Redevelopment Agency and to suspend the limit on the total number of dollars of tax increment revenue that may be received by the San Francisco Redevelopment Agency under the Plan in order to continue financing Low and Moderate Income Housing Fund activities under the Plan.

Ordinance No. 316-08

FINALLY PASSED

- 081499** [Accept and Expend FY 08 Urban Areas Security Initiative Grant and Amend Annual Salary Ordinance, FY 2008-2009 - \$29,724,000]
Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM), on behalf of the City and County San Francisco as the primary grantee for the combined Bay Area Urban Area ("Super UASI" or "SUASI") region and as the fiscal agent for the SUASI Approval Authority, to retroactively accept and expend an Urban Areas Security Initiative ("UASI") grant in the amount of \$29,724,000 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security; amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of two grant-funded positions in the Department of Emergency Management.

Ordinance No. 295-08
FINALLY PASSED

- 081500** [Obtain, Accept and Expend Federal Interoperable Emergency Communications Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - \$1,374,422]
Supervisor Alioto-Pier

Ordinance authorizing the Department of Emergency Management (DEM), as primary grantee and fiscal agent for the Capitol-Bay Planning Area, to obtain, accept and expend an Interoperable Emergency Communications Program Grant (IECGP) award in the amount of \$1,374,422 from the United States Department of Homeland Security (DHS), through the California Office of Homeland Security (OHS), for the period October 6, 2008 to May 31, 2010, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of one grant-funded position (0.50 FTE - 0931 Manager III) in the Department of Emergency Management.

Ordinance No. 296-08
FINALLY PASSED

Recommendations of the Government Audit and Oversight Committee

- 081443** [Annual Contributions to the San Francisco Self-Insurance Surety Bond Fund]
Supervisors Maxwell, Alioto-Pier, Daly, Dufty, Sandoval, Elsbernd, Mirkarimi, Peskin, Campos

Ordinance amending the San Francisco Bonding and Financial Assistance Program to require annual contributions to the San Francisco Self-Insurance Surety Bond Fund.

(Fiscal Impact.)

Ordinance No. 314-08
FINALLY PASSED

081444 [Establishing the San Francisco Self-Insurance Surety Bond Fund and Setting Standards Governing Deposits into the Fund]
Supervisors Maxwell, Alioto-Pier, Daly, Dufty, Sandoval, Elsbernd, Mirkarimi, Peskin, Campos

Ordinance amending the San Francisco Administrative Code by adding Section 10.100-317, establishing the San Francisco Self-Insurance Surety Bond Fund, contributions thereto, and use of said Fund.

(Fiscal Impact.)

Ordinance No. 315-08
FINALLY PASSED

Recommendations of the City Operations and Neighborhood Services Committee

081009 [Prohibiting smoking in taxicabs and motor vehicles for hire and free distribution of tobacco products and accessories in places open to the public]
Supervisor Maxwell

Ordinance amending the San Francisco Health Code by amending Section 1009.22 and amending the San Francisco Police Code by amending Section 1143 and repealing Sections 53, 53.1, and 1098, to prohibit smoking in taxicabs and other motor vehicles for hire, and amending San Francisco Police Code Section 95, to prohibit the free distribution of tobacco products and accessories in places open to the public.

Ordinance No. 312-08
FINALLY PASSED

081250 [Massage practitioner requirements]
Supervisor Dufty

Ordinance amending Section 1902 of the San Francisco Health Code by changing the requirement that massage practitioners obtain a certificate of graduation to a certificate of completion verifying at least 100 hours of massage instruction.

Ordinance No. 317-08
FINALLY PASSED

081379 [Accept gift to the Fire Department - \$15,938]
Resolution accepting a gift to the Fire Department from the Fireman's Fund Insurance Company Heritage Program of mask fit equipment and non-permeable emergency medical bags valued at \$15,938. (Fire Department)

Resolution No. 523-08
ADOPTED

**081441 [Grant to support Cesar Chavez Street streetscape improvements - \$711,296]
Supervisors Dufty, Campos**

Resolution authorizing the San Francisco Planning Department to accept and expend \$711,296 from the California Department of Housing and Community Development for pedestrian safety, traffic calming, and stormwater improvements along Cesar Chavez Street.

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 539-08

ADOPTED

Recommendation of the Land Use and Economic Development Committee

**081100 [Zoning - Providing for a Five Feet Special Height Exception for Active Ground Floor Uses in the NC-2 and NC-3 Designated Parcels fronting Mission Street, from Silver Avenue to the Daly City border]
Supervisor Sandoval**

Ordinance amending the San Francisco Planning Code by amending Section 263.20 to provide for a special height exception for ground floor uses in the Neighborhood Commercial Districts; amending Sections 703.1, 710.1, 711.1, 712.1, 713.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 721.1, 723.1, 724.1, 725.1, 726.1, 727.1, 728.1, 729.1, 730.1, 731.1, 732.1, to refer to this special height exception; adopting findings, including environmental findings and findings of consistency with the priority policies of Planning Code Section 101.1 and the General Plan.

Ordinance No. 321-08

FINALLY PASSED

Recommendations of the Rules Committee

081477 [Settlement of Lawsuit - Laurent Katgely, et al. v. CCSF, et al. (C. Spencer) - \$67,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Chez Spencer, a partnership, against the City and County of San Francisco for \$67,000; the lawsuit was filed on December 8, 2004 in San Francisco Superior Court, Case No. 436942; entitled Laurent Katgely, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

081478 [Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (IMG Home) - \$500,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by IMG Home Corporation against the City and County of San Francisco for \$500,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

081479 [Settlement of Lawsuit - Jane Martin, et al. v. CCSF, et al. (N. Quimson) - \$45,000]

Ordinance authorizing settlement of the portion of the lawsuit filed by Noreen Quimson against the City and County of San Francisco for \$45,000; the lawsuit was filed on January 31, 2005 in San Francisco Superior Court, Case No. 436930; entitled Jane Martin, et al. v. City and County of San Francisco, et al. (City Attorney)

PASSED, ON FIRST READING

081480 [Settlement of Claim - SFD Union Square, LLC - \$40,000]

Resolution approving the settlement of unlitigated claim of SFD Union Square, LLC dba Sir Francis Drake Hotel against San Francisco for \$40,000; claim was filed on August 25, 2008. (City Attorney)

Resolution No. 534-08

ADOPTED

**081501 [Settlement of Administrative Civil Liability Complaint - \$64,000]
Supervisor Peskin**

Resolution approving the settlement of the unlitigated administrative civil liability complaint filed by the San Francisco Bay Regional Water Quality Control Board against San Francisco imposing a penalty of \$64,000; and alternatively approving an environmental mitigation project, subject to approval of the Regional Board Water Quality Control Board, in an amount not to exceed \$32,000, plus payment of a \$32,000 penalty.

Resolution No. 505-08

ADOPTED

081112 [Appointment, Biodiesel Access Task Force - Shannon Devine]

Motion appointing Shannon Devine, term ending December 31, 2009, to the Biodiesel Access Task Force.

Shannon Devine, succeeding Adam Hagen, resigned, Seat 1, must be member of the public who represents the biodiesel community, such as a gas station owner, fleet operator and consumer. Community members may include organizations. No organization may have more than one representative on the Task Force, for unexpired portion of term ending December 31, 2009.

Motion No. M08-184

APPROVED

081427 [Appointments, Ballot Simplification Committee - June Fraps, Betty Packard and Adele Fasick]

Motion appointing June Fraps, Betty Packard and Adele Fasick, terms ending November 30, 2010, to the Ballot Simplification Committee.

June Fraps, succeeding herself, seat 1, term expired, must represent the National Academy of Television Arts and Sciences, Northern California Chapter or the Northern California Broadcasters Association, for a two-year term ending November 30, 2010.

Betty Packard, succeeding herself, seat 2, term expired, must represent the National Academy of Television Arts and Sciences, Northern California Chapter or the Northern California Broadcasters Association, for a two-year term ending November 30, 2010.

Adele Fasick, succeeding herself, seat 3, must represent the League of Women Voters of San Francisco, for a two-year term ending November 30, 2010.

Motion No. M08-183

APPROVED

- 081431 [Appointments, Urban Forestry Council - John Malcolm Hillan and Jocelyn Cohen]**
Motion appointing John Malcolm Hillan and Jocelyn Cohen, terms ending November 18, 2010, to the Urban Forestry Council.

John Malcolm Hillan, new assignment, seat 1, must be representative from an educational organization involved with tree management (University of California Cooperative Extension, etc.), for two-year term ending November 18, 2010.

Jocelyn Cohen, new assignment, seat 3, must be certified by a professional tree management organization (International Society of Arboriculture, American Society of Consulting Arborists, or American Society of Landscape Architects), for two-year term ending November 18, 2010.

Motion No. M08-182

APPROVED

- 081483 [Appointment, Immigrant Rights Commission - Ana Perez]**
Motion appointing Ana Perez, term ending June 6, 2009, to the Immigrant Rights Commission, residency requirement waived.

Ana Perez, succeeding Falguni Sheth, seat 10, resigned, must be an immigrant to the United States who is appointed in accordance with Section 4.101 of the Charter. In addition, members shall have demonstrated knowledge of and interest in the health, human service, educational, or employment issues that affect immigrants residing in San Francisco, for unexpired portion of a two-year term ending June 6, 2009.

Motion No. M08-194

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed from the Consent Agenda

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

Supervisor Mirkarimi, seconded by Supervisor Maxwell, moved to rescind the vote on File No. 081426.

Motion to rescind the previous vote on File No. 081426 passed without objection.

- 081426 [Appointments, Market and Octavia Community Advisory Committee - Julian Davis, Carmela Gold, Peter Cohen, Brad Villers, Dennis Richards and Jason Henderson]**

Motion appointing Julian Davis, Carmela Gold, Peter Cohen, Brad Villers, Dennis Richards and Katherine Hodge, for two-year terms, to the Market and Octavia Community Advisory Committee.

*Amended by replacing the appointment of "Katherine Hodge" with the appointment of "Jason Henderson."
New Title.*

Supervisor Mirkarimi, seconded by Supervisor Daly, moved that this Motion be AMENDED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Duffy

Motion appointing Julian Davis, Carmela Gold, Peter Cohen, Brad Villers, Dennis Richards and Jason Henderson, for two-year terms, to the Market and Octavia Community Advisory Committee.

Julian Davis, new assignment, seat 1, must be a resident renter and live or work within the Plan area, for a two-year term, to be determined.

Carmela Gold, new assignment, seat 2, must be a resident homeowner and live or work within the Plan area, for a two-year term, to be determined.

Peter Cohen, new assignment, seat 3, must be a low-income resident and live or work within the Plan area, for a two-year term, to be determined.

Brad Villers, new assignment, seat 4, must be a local merchant and live or work within the Plan area, for a two-year term, to be determined.

Dennis Richards, new assignment, seat 5, must be a representative of established neighborhood groups and live or work within the Plan area, for a two-year term, to be determined.

Katherine Hodge, new assignment, seat 6, must be a member at large and live or work within the Plan area, for a two-year term, to be determined.

Motion No. M08-193

APPROVED AS AMENDED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Dufty

REGULAR AGENDA

UNFINISHED BUSINESS

Vetoed by the Mayor

**080658 [General advertising on City buildings and street furniture]
Supervisor McGoldrick**

Ordinance amending the San Francisco Administrative Code by adding Section 4.20-1 to prohibit any new general advertising signs on street furniture over the number authorized as of January 1, 2008 and to prohibit new general advertising signs visible to the public on the exterior of City-owned buildings as of March 5, 2002; adopting environmental and other findings.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 5, 2008. Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 4, 2009.

NOT OVERTURN MAYORAL VETO by the following vote:

Ayes: 7 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Recommendations of the Budget and Finance Committee

**081449 [Changes to the Payroll Expense Tax exclusion for clean energy technology businesses]
Supervisor McGoldrick**

Ordinance amending San Francisco Business and Tax Regulations Code by amending Article 12-A, Section 906.2 to expand eligibility for the clean technology payroll tax exclusion to include solar panel and other clean technology research and development-related businesses, and to include businesses with fewer than ten employees.

Ordinance No. 313-08

FINALLY PASSED by the following vote:

Ayes: 8 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi

Noes: 3 - Daly, Peskin, Sandoval

**081453 [Appropriating \$1,923,629,194 of Water Revenue Bond proceeds for the Water System Improvement Program in the Public Utilities Commission for Fiscal Year 2008-2009]
Mayor**

Ordinance appropriating \$1,923,629,194 of San Francisco Water Revenue Bond authorized in 2002 to fund construction and financing costs for the San Francisco Public Utilities Commission (SFPUC) Water System Improvement Program (WSIP) for Fiscal Year 2008-2009, placing the entire appropriation by project on Controller's reserve subject to SFPUC and Board of Supervisors' discretionary approvals following completion of project-related analysis pursuant to California Environmental Quality Act (CEQA), where required, and receipt of proceeds of indebtedness, adopting environmental findings, placing on Budget and Finance Committee reserve any project in excess of \$100,000,000 and authorizing the increase of the Water Commercial Paper Program from \$250,000,000 to \$500,000,000 to facilitate projected WSIP financing needs.

(Fiscal Impact.)

Ordinance No. 311-08

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Appointment of President Pro Tempore

At the request of the President, Supervisor Campos assumed the Chair so the President could participate in the debate from the floor concerning the following item.

- 081440 [De-Appropriating \$998,145 of General Fund and \$761,021 of Federal Direct Grant Revenue for the Community Justice Center for FY 2008-2009]**
Supervisors Daly, McGoldrick, Peskin

Ordinance de-appropriating \$998,145 of General Fund in the Mayor's Office of Community Justice and \$761,021 of Federal Direct Grant Revenue in the Department of Public Health for the Community Justice Center in Fiscal Year 2008-2009.

(Fiscal Impact.)

(Supervisor Elsbernd dissented in committee.)

Supervisor Sandoval was previously excused from voting on this matter.

Supervisor Peskin requested to be added as a co-sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin

Noes: 4 - Alioto-Pier, Chu, Dufty, Elsbernd

Excused: 1 - Sandoval

Recommendations of the Government Audit and Oversight Committee

- 081450 [Real Property Transfer Tax - Change of delinquency date; substitution of references to current laws; conform partnership rule to state law changes; elimination of tax stamp provision and elimination of Transfer Tax Review Board, operative January 1, 2013]**

Ordinance amending Sections 1106, 1108, 1108.4, 1115, 1115.1 and 1115.3 and deleting Sections 1109, and 1115.2 of Article 12-C of the Business and Tax Regulations Code to (1) change delinquency date; (2) replace references to prior bankruptcy, income tax, and local laws with references to current laws; (3) conform rule for partnership interest transfers to state law changes; (4) eliminate obsolete provision regarding documentary tax stamps; and (5) eliminate Transfer Tax Board of Review and references to that Board.

PASSED ON FIRST READING by the following vote:

Ayes: 8 - Campos, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Chu, Dufty

- 081451 [Property Tax Refund Claim Processing]**
Supervisor Peskin

Ordinance to amend Administrative Code Section 10.2 to delegate to City Attorney the authority to grant or deny property tax refund claims and to establish administrative rules and procedures for City Attorney to follow.

PASSED ON FIRST READING by the following vote:

Ayes: 9 - Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 2 - Alioto-Pier, Dufty

Recommendations of the Land Use and Economic Development Committee

**080520 [Below Market Rate Condominium Conversion Program]
Mayor, Supervisor McGoldrick**

Ordinance amending the San Francisco Subdivision Code by adding Section 1344 to update and clarify the provisions relating to Below Market Rate Units under the Condominium Conversion Program including provisions related to the calculation of sales price, renting, capital improvements, duration and monitoring of affordability, marketing, and ongoing regulations and the provisions relating to Original Subdividers who rent their Units; providing for alternatives for compliance with the ordinance; and amending Sections 1308, 1309, 1341, 1341B, 1343, 1359, and 1385 to make conforming changes, and making findings including findings under the California Environmental Quality Act (CEQA).

(Supervisor Sandoval dissented in Committee.)

Ordinance No. 320-08

FINALLY PASSED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 2 - Daly, Sandoval

**081513 [Limited Equity Housing Cooperative Conversions]
Supervisors Peskin, Mirkarimi**

Ordinance amending the Subdivision Code by adding Article 11, consisting of Sections 1399.1 through 1399.22, to create a method for Limited Equity Housing Cooperatives to convert existing residential buildings to limited-equity housing cooperatives, and making findings including findings under the California Environmental Quality Act.

Ordinance No. 319-08

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

From the Board

081589 [Eastern Neighborhoods Zoning Map - Height District for Mission Street theater properties]

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3595, Lot 024 on Mission Street between 19th and 20th Streets and Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 65-X/85-X; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

Supervisor Maxwell, seconded by Supervisor Daly, moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. The motion carried by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval

Ordinance amending the San Francisco Zoning Map by amending the height district designation for Assessor's Block 3616, Lot 007 on Mission Street between 21st and 22nd Streets to 50-X/65-B; and making various findings, including environmental findings and findings of consistency with the General Plan and priority policies of Planning Code Section 101.1. (Planning Department)

PASSED ON FIRST READING AS AMENDED by the following vote:

Ayes: 6 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin
Noes: 5 - Alioto-Pier, Chu, Dufty, Elsbernd, Sandoval

From the Land Use and Economic Development Committee Without Recommendation

081088 [Requirement of Conditional Use Authorization for any permit application to remove dwelling units]
Ordinance amending the Planning Code by amending Section 317 to require Conditional Use Authorization for any elimination of existing dwelling units through mergers, conversions, or demolitions of residential units.

NOTE: This action requires two-thirds vote. The Board may not amend the ordinance and may only vote in favor or in opposition to the veto override.

The Board of Supervisors must act on the veto override within 30 days of the date of the veto. The Mayor vetoed the Ordinance on December 19, 2008.

Therefore, the Board will lose the ability to override the veto unless it votes on the veto override on or before January 18, 2009.

FINALLY PASSED by the following vote:

Ayes: 7 - Campos, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 4 - Alioto-Pier, Chu, Duffy, Elsbernd

Recommendation of the Rules Committee

081230 [Medical Cannabis Dispensary Permits]
Supervisor Daly

Ordinance amending Section 3308 of the San Francisco Health Code to include the installation of platform lifts under the minimum disability access standards for Medical Cannabis Dispensaries.

Ordinance No. 318-08

FINALLY PASSED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

NEW BUSINESS

Recommendations of the Budget and Finance Committee

**081519 [Sale of San Francisco General Hospital Bond Anticipation Notes, Series 2009A - Not to Exceed \$136,000,000]
Mayor**

Resolution authorizing and directing the sale of Not to Exceed \$136,000,000 General Obligation Bond Anticipation Notes, Series 2009A in anticipation of the issuance of \$136,000,000 General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2009A; Prescribing the Form and Terms of Said Notes; Providing For the Levy of a Tax To Pay the Interest and, if Applicable, the Principal Thereon; Authorizing the Execution, Authentication and Registration of Said Notes; Providing For the Appointment of Depositories and Other Agents For Said Notes; Providing For the Establishment of Accounts Related Thereto; Providing For the Manner of Sale of Said Notes, Whether By Competitive Sale or Negotiated Sale; Approving the Forms of Official Notice of Sale and Notice of Intention To Sell Notes; Directing the Publication of the Notice of Intention To Sell Notes; Approving the Form and Execution of the Note Purchase Agreement for the Sale of Said Notes; Approving the Form and Execution of the Official Statement Relating to the Sale of Said Notes; Approving the Form of the Continuing Disclosure Certificate; Approving Modifications To Documents; Ratifying Certain Actions Previously Taken; and Granting General Authority To City Officials To Take Necessary Actions In Connection With the Authorization, Issuance, Sale and Delivery of Said Notes.

(Fiscal Impact.)

Resolution No. 524-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081520 [San Francisco General Hospital General Obligation Bond Issuance - Not to Exceed \$887,400,000]
Mayor**

Resolution Providing for the Issuance of Not to Exceed \$887,400,000 Aggregate Principal Amount of City and County of San Francisco General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008); Authorizing the Execution, Authentication and Registration of Said Bonds; Providing for the Levy of a Tax to Pay the Principal and Interest Thereof; Providing for the Appointment of Depositories and Other Agents for Said Bonds; Providing for the Establishment of Accounts Related Thereto; Ratifying Certain Actions Previously Taken; Adopting Findings Under the California Environmental Quality Act, ("CEQA"), CEQA Guidelines and San Francisco Administrative Code Chapter 31, Including the Adoption of a Mitigation Monitoring and Reporting Program and a Statement Of Overriding Considerations; Finding that the Proposed Project Is In Conformity With the Priority Policies Of Planning Code Section 101.1(B) and With the General Plan Consistency Requirement Of Charter Section 4.105 and Administrative Code Section 2A.53; and Granting General Authority to City Officials to Take Necessary Actions In Connection With the Authorization, Issuance, Sale and Delivery of Said Bonds.

(Fiscal Impact.)

Resolution No. 528-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081521 [Bond Sale of San Francisco General Hospital Improvement Bonds - Not To Exceed \$136,000,000]
Mayor**

Resolution Authorizing and Directing the Sale of Not To Exceed \$136,000,000 General Obligation Bonds (San Francisco General Hospital Improvement Bonds, 2008), Series 2009A; Prescribing the Form and Terms of Said Bonds; Authorizing the Execution, Authentication and Registration of Said Bonds; Providing For the Appointment of Depositories and Other Agents For Said Bonds; Providing For the Establishment of Accounts Related Thereto; Providing For the Manner of Sale of Said Bonds, Whether by Competitive Sale or Negotiated Sale; Approving the Forms of Official Notice of Sale and Notice of Intention To Sell Bonds; Directing the Publication of the Notice of Intention To Sell Bonds; Approving the Form and Execution of the Bond Purchase Agreement Relating Thereto; Approving the Form and Execution of the Official Statement Relating To the Sale of Said Bonds; Approving the Form of the Continuing Disclosure Certificate; Approving Modifications To Documents; Ratifying Certain Actions Previously Taken; and Granting General Authority To City Officials To Take Necessary Actions In Connection With the Authorization, Issuance, Sale and Delivery of Said Bonds.

(Fiscal Impact.)

Resolution No. 527-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081522 [Appropriating \$136,000,000 of General Obligation Bonds for the San Francisco General Hospital and Trauma Center for the Department of Public Health for Fiscal Year 2008-2009]
Mayor**

Ordinance appropriating \$136,000,000 of General Obligation Bond Proceeds approved by voters under Proposition A in the November 2008 election authorizing the issuance of general obligation bonds for the building or rebuilding and earthquake safety improvement of the San Francisco General Hospital and Trauma Center in the Department of Public Health for Fiscal Year 2008-2009.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081523 [General Obligation Bond Short-Term Indebtedness]
Mayor**

Ordinance amending the San Francisco Administrative Code by adding Article 43.11, Sections 43.11.1 through 43.11.5, to authorize the issuance of short-term indebtedness in anticipation of the issuance of general obligation bonds authorized by the voters.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081507 [Accept-Expend Federal Grant and amend Annual Salary Ordinance, FY 2008-2009 \$1,024,467.00]
Supervisor Elsbernd**

Ordinance authorizing the Police Department to retroactively accept and expend grant funding in the amount of \$1,024,467.00 from the National Institute of Justice for a program entitled "NIJ's 2008 Forensic DNA Unit Efficiency Improvement Program," and amending the Annual Salary Ordinance to create grant-funded positions.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081417 [Purchase of Real Property located at 5027-5033 Third Street, San Francisco for the Public Library]

Resolution authorizing the execution and performance of an Agreement of Purchase and Sale for Real Estate between the City and County of San Francisco and Doug Wong and Pearl Yee Wong, husband and wife, as joint tenants (the "Seller"), for the purchase of real property and improvements located at 5027 – 5033 Third Street, San Francisco, to expand the Bayview/ Anna E Waden Branch Library of the San Francisco Public Library; adopting findings under the California Environmental Quality Act; and adopting findings that the conveyance is consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1. (Real Estate Department)

(Fiscal Impact.)

Resolution No. 540-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081484 [WSIP Agreement No. CS-917, San Joaquin Regional Construction Management Services - Not to Exceed \$28,000,000]

Resolution authorizing the General Manager of the San Francisco Public Utilities Commission to award and execute the Water System Improvement Program-funded Professional Service Agreement No. CS-917, San Joaquin Regional Construction Management Services, with PMA Consultants LLC to provide Construction Management Services for the San Joaquin Regional Projects, for an amount not to exceed \$28,000,000, pursuant to San Francisco Charter Section 9.118. (Public Utilities Commission)

(Fiscal Impact.)

Resolution No. 547-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081518 [Lease Financing For Library Projects]
Mayor**

Resolution approving the form of and authorizing the distribution of a preliminary official statement relating to the issuance of City and County of San Francisco Finance Corporation lease revenue bonds and authorizing the preparation, execution and delivery of a final official statement; ratifying the approvals and terms and conditions of a previous ordinance; and related matters.

Resolution No. 538-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081524 [Accept-Expend Federal Regional Catastrophic Preparedness Grants - \$10,000,000]
Mayor**

Resolution authorizing the Department of Emergency Management (DEM), as fiscal agent for multiple local jurisdictions, to retroactively accept and expend Regional Catastrophic Preparedness Grant Program awards in the amount of \$10,000,000 from the United States Department of Homeland Security (DHS), through the California Office of Homeland Security (OHS), for regional catastrophic preparedness for the period September 1, 2008 through August 31, 2010.

Resolution No. 506-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081415 [Approval of Port Lease for TCHO Ventures, Inc. at Pier 17]

Resolution approving Port Commission Lease No. L-14584 with TCHO Ventures, Inc. ("TCHO") for a five (5) year term for certain real property located at Pier 17 in the City and County of San Francisco. (Port)

Resolution No. 532-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendation of the City Operations and Neighborhood Services Committee

**081124 [Prohibiting advertisements for alcoholic beverages on City property]
Supervisors Mirkarimi, McGoldrick**

Ordinance amending the San Francisco Administrative Code by amending Section 4.20, to prohibit advertisements for alcoholic beverages on City property.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Recommendations of the Government Audit and Oversight Committee

081362 [Prevailing wages for (1) workers on public works and improvement projects, (2) workers in theatrical services; (3) workers performing moving services; and (4) workers hauling solid waste.]

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for public work and improvement; (2) workers engaged in theatrical or technical services for shows on property owned by the City; (3) workers performing moving services under City contracts at facilities owned or leased by the City; and (4) workers engaged in the hauling of solid waste generated by the City in the course of City operations, pursuant to a contract with the City. (Civil Service Commission)

Resolution No. 536-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081514 [Appropriating \$45,000,000 of Certificates of Participation Revenue for the Moscone Center Improvement Project in the Office of the City Administrator for Fiscal Year 2008-2009]
Supervisor Peskin**

Ordinance appropriating \$45,000,000 of San Francisco Certificates of Participation (COPs) Series 2009B to fund the Moscone Center Improvement Project in the General Services Agency - Office of the City Administrator for Fiscal Year 2008-2009 and placing these funds on Controller's Reserve pending issuance of the COPs.

(Fiscal Impact.)

PASSED ON FIRST READING by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Duffy

**081515 [Lease Financing For Improvements to Moscone Convention Center]
Supervisor Peskin**

Resolution authorizing the execution, delivery and sale of Certificates of Participation (the "Certificates") evidencing undivided, proportionate interests in the right to receive certain rental payments to be made by the City under a Lease Agreement, for the purpose of financing various capital projects at Moscone Convention Center; approving the form of a Trust Agreement by and between the City and County of San Francisco (the "City") and a corporate trustee to be selected by the City (the "Trustee"), including without limitation certain indemnification obligations of the City contained therein; authorizing the selection of the Trustee; approving the form of a Facilities Lease by and between the City and the Trustee relating to certain real property described herein; approving the form of the Lease Agreement by and between the Trustee and the City relating to said real property; authorizing the payment of costs of issuance; authorizing the reimbursement of certain expenditures; granting general authority to City officials to take certain actions in connection with the Certificates, the Trust Agreement, the Facilities Lease and the Lease Agreement; authorizing modifications to documents; and ratifying previous actions taken in connection therewith.

(Fiscal Impact.)

Resolution No. 530-08

ADOPTED by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Duffy

Recommendations of the Land Use and Economic Development Committee

**080872 [Planning - Union Street Neighborhood Commercial District - Full-Service Restaurants]
Supervisor Alioto-Pier**

Ordinance amending Planning Code Sections 725.1 and 725.42 of the Union Street Neighborhood Commercial District to provide for a limited number of new full-service restaurant uses that satisfy specific requirements and obtain conditional use authorization, making environmental findings, and making findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081125 [Promoting and Sustaining Music and Culture in San Francisco]
Supervisors Mirkarimi, Maxwell**

Ordinance adding Chapter 90A to the San Francisco Administrative Code to establish a music and culture sustainability policy for City government; provide for development by the Entertainment Commission of a proposal for an on-line permitting system for entertainment-related permits, licenses, and determinations; provide for review by the Entertainment Commission of new criteria for entertainment related permits, licenses, and determinations; establish a process coordinated by the Entertainment Commission for reviewing and possibly revising City Codes to conform to and implement the music and culture sustainability policy; urge the Planning Commission to consider amending the General Plan to conform to and implement that policy; and provide for an annual hearing by the Entertainment Commission to review and make recommendations relating to implementation of that policy.

PASSED ON FIRST READING AS DIVIDED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081372 [Mission Bay North-Park Parcels NP3, NP4 and NP5 Improvements]
Supervisor Daly**

Ordinance designating a portion of State Trust Parcel 1, lying next to the Mission Creek Channel for public open space and park purposes; naming the new park "Mission Creek Park"; accepting the irrevocable offer for the acquisition facilities; designating said facilities as public open space and for park purposes and accepting for maintenance responsibilities and liability purposes; adopting environmental findings and findings that such actions are consistent with the City's General Plan, eight priority policy findings of City's Planning Code Section 101.1, and the Mission Bay North Redevelopment Plan; accepting Department of Public Works Order No. 177,882; and authorizing official acts in connection with this Ordinance. (Public Works Department)

Supervisor Daly requested to be added as sponsor.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081280 [Accept and Expend State Coastal Commission Grant Funds - \$185,000]
Supervisor Chu**

Resolution authorizing the San Francisco Public Utilities Commission to accept and expend a State Coastal Commission Grant in the amount of \$185,000.

Resolution No. 541-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081284 [Intent to change the name of Avery Street between Post Street and Geary Boulevard to Boswell Way]
Supervisor Mirkarimi**

Resolution declaring the Board of Supervisors' intention to change the name of Avery Street between Geary Boulevard and Post Street to Boswell Way in recognition of Reverend Hamilton T. Boswell, the longtime pastor of the Jones Memorial United Methodist Church and advocate for San Francisco's African American community.

Resolution No. 542-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081327 [Preserving the Francisco Reservoir as public recreation and open space]
Supervisor Alioto-Pier**

Resolution declaring the policy of the Board of Supervisors to maintain the Francisco Reservoir as open space and urging the San Francisco Public Utilities Commission, in light of the General Plan designating the property as such, to preserve the property for public recreation and open space.

Resolution No. 502-08

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Noes: 2 - Chu, Elsbernd

Recommendations of the Rules Committee

081474 [Appointment, Assessment Appeals Board No. 2 - Joseph Tham]

Motion appointing Joseph Tham, term ending September 5, 2011, to the Assessment Appeals Board No. 2.

Joseph Tham, succeeding himself, seat 8, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following, Certified Public Accountant or Public Accountant; licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization; or Property Appraiser certified by the Office of Real Estate Appraisers; or is a current member of an assessment appeals board. ALTERNATE/HEARING OFFICER. *Pursuant to Section 1623, the three year term will end on the first Monday in September, for the three-year term ending September 5, 2011.

Motion No. M08-192

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081475 [Appointments, Assessment Appeals Board No. 1 - Diane Robinson and Richard Lee]

Motion appointing Diane Robinson and Richard Lee, terms ending September 5, 2011, to the Assessment Appeals Board No. 1.

Diane Robinson, succeeding herself, seat 3, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following, Certified Public Accountant or Public Accountant; licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization; or Property Appraiser certified by the Office of Real Estate Appraisers; or is a current member of an assessment appeals board. Pursuant to Section 1623, the three year term will end on the first Monday in September, for a three-year term ending September 5, 2011.

Richard Lee, succeeding Stephen Wasserman, seat 7, must meet the eligibility criteria set forth in Section 1624.05 of the California Revenue and Taxation Code: Must have a minimum of five years professional experience in the State of California as one of the following, Certified Public Accountant or Public Accountant; licensed Real Estate Broker; Attorney; or a Property Appraiser accredited by a nationally recognized professional organization; or Property Appraiser certified by the Office of Real Estate Appraisers; or is a current member of an assessment appeals board. ALTERNATE/HEARING OFFICER. *Pursuant to Section 1623, the three year term will end on the first Monday in September, for a three-year term ending September 5, 2011.

Motion No. M08-191

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 3:00 P.M.

Supervisor Dufty was noted absent at 5:40 p.m.

081516 [Hearing - Tourism Improvement District]

Hearing of persons interested in or objecting to proposed Resolution of Formation: Establishing a business-based business improvement district to be known as the "Tourism Improvement District," ordering the levy and collection of assessments against defined hotel businesses located in that district for fifteen (15) years commencing January 1, 2009, subject to conditions as specified, and making environmental findings.

The President inquired as to whether any member of the public wished to address the Board.

*Richard Swig; support of the Tourism Improvement District
Joe Delesandro; support of the Tourism Improvement District
Ernestine Weiss; support of the Tourism Improvement District
Pat Gallagher; support of the Tourism Improvement District
Rodney Fong; support of the Tourism Improvement District
Michael Dunn; support of the Tourism Improvement District
Mike Hardeman; support of the Tourism Improvement District
Heather Hale; support of the Tourism Improvement District
Tony Norman; support of the Tourism Improvement District
Simon Sin; support of the Tourism Improvement District
Rodney Rodriguez; support of the Tourism Improvement District
Jerry Simmons; support of the Tourism Improvement District
Male speaker; support of the Tourism Improvement District
General Manager Grand Hyatt Union Square; support of the Tourism Improvement District
Patricia Breslin; Tourism Improvement District*

The President declared the public hearing closed.

Heard at a public hearing.

FILED.

Supervisor Elsbernd Excused From Voting

Supervisor Maxwell, seconded by Supervisor Chu, moved to excuse Supervisor Elsbernd, at his request, because of possible conflict of interest, from voting. The motion carried by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Dufty

Excused: 1 - Elsbernd

**081517 [Resolution to Establish the Tourism Improvement District]
Mayor, Supervisors Peskin, Maxwell, Dufty**

Resolution of Formation: Establishing a business-based business improvement district to be known as the "Tourism Improvement District," ordering the levy and collection of assessments against defined hotel businesses located in that district for fifteen (15) years commencing January 1, 2009, subject to conditions as specified, and making environmental findings.

The Clerk of the Board announced the tabulations of the Tourism Improvement District.

Voting For - 29.02%

Voting Against - 23.56%

Supervisor Mirkarimi, seconded by Supervisor Dufty, moved that this Resolution be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Excused: 1 - Elsbernd

Resolution No. 504-08

ADOPTED AS AMENDED by the following vote:

Ayes: 9 - Alioto-Pier, Campos, Chu, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Absent: 1 - Dufty

Excused: 1 - Elsbernd

SPECIAL ORDER 3:30 P.M - Recognition of Commendations

Privilege of the Floor

Supervisor Dufty, seconded by Supervisor Alioto-Pier, moved to suspend Rule 4.37 of the Rules of Order of the Board of Supervisors to grant privilege of the floor to the following guests. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Supervisor Dufty introduced, welcomed, and presented a Certificate of Honor to Dr. Sang Mook Lee.

Supervisor Alioto-Pier introduced, welcomed and presented a Certificate of Honor to Ms. Robin Krop.

Supervisor Peskin introduced, welcomed and presented a Certificate of Honor to the Honorable Judge Quentin L. Kopp and former Member of the Board of Supervisors in recognition of his efforts in the passage of the Prop 1A a high speed rail for the State of California.

Supervisors Peskin, Dufty, Daly, McGoldrick, Elsbernd, Mirkarimi, Chu, Campos Alioto-Pier and Maxwell recognized Supervisor Sandoval for his past 8 years of service as a Member of the Board of Supervisors as he leaves to become a Superior Court Judge in San Francisco.

SPECIAL ORDER 4:00 P.M.

081432 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2655 Scott Street]

Hearing of persons interested in or objecting to the decision of the Planning Department dated September 16, 2008, that a project at 2655 Scott Street (Building Permit Application No. 2007.04.18.9061, Case No. 2008.0492D) is exempt from environmental review under Categorical Exemption [State CEQA Guidelines Section 15301 (Class One - Minor Alteration of Existing Facility)]. The proposal would add a vertical addition (partial 4th floor) and fire escapes to a single-family residence in an RH-1 (Residential, House, One-Family) District and a 40-X Height and Bulk District (Assessor's Block 0960, Lot 0010). (Appellants: Stephen M. Williams on behalf of Thomas and Annabel Yasuda)

(Filed November 10, 2008; companion to Files 081433, 081434, 081435; District 2.)

The President inquired as to whether any member of the public wished to address the Board.

Pam Ellington; support of the appellant

Female speaker; support of the appellant

Nannie Turrell and other staff of the Planning Department reviewed with the Board the Planning Department's recommendations.

James Rueben; Attorney for the project sponsor

Lewis Butler; support of the project sponsor

Vincent Marsh and Stephen Williams - Rebuttal Period for the Appellant

The President declared the public hearing closed.

Heard at a public hearing.

FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)**081433 [Affirming the categorical exemption issued for the 2655 Scott Street project]**

Motion affirming the determination by the Planning Department that the 2655 Scott Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081434 [Disapproving the categorical exemption issued for the 2655 Scott Street project]

Motion disapproving the determination by the Planning Department that the 2655 Scott Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier requested that this matter be referred back to the Planning Department for further review.

Motion No. M08-190

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081435 [Preparation of findings related to the 2655 Scott Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2655 Scott Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Motion No. M08-189

Supervisor Alioto-Pier, seconded by Supervisor Dufty, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:00 P.M.**081486 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 1864-1868 Green Street]**

Hearing of persons interested in or objecting to the decision of the Planning Department dated April 8, 2008, Case No. 2007.0591E, exempting from environmental review under Categorical Exemption, Class 1 (State CEQA Guidelines Section 15301). The proposal would construct a three-story rear yard addition to an existing three-story over basement three-unit residential structure and install a garage in the existing basement, which would require raising the building by 20 inches at property (Assessor's Block 0543, Lot 015) located in a RH-3 (Residential House District, Three-Family) and a 40-X Height and Bulk District. (Appellant: Stephen M. Williams on behalf of Ben and Susan Lee)

(Filed 11/17/08; Companion measure to 081487, 081488, 081489; District 2.)

The President inquired as to whether any member of the public wished to address the Board.

President informed the Board Members that the appellant had withdrawn the appeal.

The President declared the public hearing closed.

Heard at a public hearing.

FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

- 081487 [Affirming the categorical exemption issued for the 1864-1868 Green Street project]**
Motion affirming the determination by the Planning Department that the 1864-1868 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 081488 [Disapproving the categorical exemption issued for the 1864-1868 Green Street project]**
Motion disapproving the determination by the Planning Department that the 1864-1868 Green Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
- 081489 [Preparation of findings related to the 1864-1868 Green Street project]**
Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 1864-1868 Green Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)
Supervisor Maxwell, seconded by Supervisor Mirkarimi, moved that this Motion be TABLED. The motion carried by the following vote:
Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

SPECIAL ORDER 4:30 P.M.

081530 [Public Hearing - Appeal of Determination of Exemption from Environmental Review for 2626 Filbert Street]

Hearing of persons interested in or objecting to the decision of the Planning Department's determination dated August 26, 2008, that a project at 2626 Filbert Street (Case No. 2007.1478E), is exempt from environmental review under Categorical Exemption, Classes 1 and 3 [State CEQA Guidelines Sections 15301(1)(1) and 15303(a)]. The proposal would demolish an existing building and construct a new three-story-over-basement single-family residence with two off-street parking spaces located at the ground floor in an RH-1 (Residential House, One-Family) District, and a 40-X Height and Bulk District (Assessor's Block 0943, Lot 003B). (Appellants: Brooke Sampson and Lori Brooke on behalf of the Cow Hollow Association, Inc.)

(Filed November 21, 2008; companion to Files 081531, 081532, 081533; District 2.)

The President inquired as to whether any member of the public wished to address the Board.

Paige Sortley, Attorney for the appellant

Female speaker; support of the appellant

Terry Doherty; support of the appellant

Richard McRee; spoke in favor of green buildings

Robert Shoestein; support of the appellant

Michael Jacinto and other staff of the Planning Department reviewed with the Board the Planning Department's recommendation.

Andrew Junius, Attorney for the project sponsor

Christopher Plank, Architect for the project sponsor

Male speaker; support of the project sponsor

Michael Perry; support of the project sponsor

Leticia Kim; support of the project sponsor

Male speaker; support of the project sponsor

Alexander Lloyd; support of the project sponsor

Paige Sortley, Attorney for the appellant - Rebuttal Period

The President declared the public hearing closed.

Heard at a public hearing.

FILED.

Pursuant to Government Code Section 65009, the following notice is hereby given: if you challenge, in court, the Categorical Exemption from Environmental Review described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

(Only one of the following two motions should be approved.)

081531 [Affirming the categorical exemption issued for the 2626 Filbert Street project]

Motion affirming the determination by the Planning Department that the 2626 Filbert Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be TABLED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Duffy

081532 [Disapproving the categorical exemption issued for the 2626 Filbert Street project]

Motion disapproving the determination by the Planning Department that the 2626 Filbert Street project is categorically exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Supervisor Alioto-Pier requested that this matter be referred back to the Planning Department for review and make an evaluation with the new information provided during the hearing.

Motion No. M08-188

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Duffy

081533 [Preparation of findings related to the 2626 Filbert Street project]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the project at 2626 Filbert Street is exempt from environmental review under the California Environmental Quality Act. (Clerk of the Board)

Motion No. M08-187

Supervisor Alioto-Pier, seconded by Supervisor McGoldrick, moved that this Motion be APPROVED. The motion carried by the following vote:

Ayes: 10 - Alioto-Pier, Campos, Chu, Daly, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Absent: 1 - Duffy

COMMITTEE REPORTS

**081503 [Approval of Fifth Amendment to the Management Agreement for Moscone Convention Center]
Supervisors Chu, Peskin, Duffy**

Resolution approving and authorizing the City Administrator to enter into a Fifth Amendment to the Management Agreement for Moscone Convention Center.

Resolution No. 529-08

ADOPTED by the following vote:

Ayes: 9 - Alioto-Pier, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 2 - Campos, Mirkarimi

081576 [Prevailing wages for (1) workers doing janitorial services and (2) workers in public off-street parking lots, garages, or auto storage facilities.]

Resolution fixing prevailing wage rates for (1) workers performing work under City contracts for janitorial services; (2) workers performing work in public off-street parking lots, garages, or storage facilities for automobiles on property owned or leased by the City. (Civil Service Commission)

Resolution No. 535-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Duffy, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081452 ["Know your rights" brochure for towing]
Supervisor Peskin

Ordinance adding Section 3055.2 to the San Francisco Police Code to require tow car firms to display "Know Your Rights When Your Car is Towed from Private Property" brochure and setting administrative penalties.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081564 [Administrative Code - Amendment to Large Tourist Hotel Conversion Ordinance]
Supervisor Peskin

Ordinance amending Administrative Code Chapter 41F to clarify the scope and implementation of the Large Tourist Hotel Conversion Ordinance, including minor edits to the definition of "Convert" and additional guidance regarding the conversion process for Large Tourist Hotel Rooms, and making required findings.

PASSED ON FIRST READING by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081398 [Agreement to modify an existing Municipal Railway Easement for the J-Church line]
Supervisor Dufty

Resolution approving and authorizing agreements for the modification of an existing MUNI easement in exchange for fee interest in a portion of the original easement area and rail transit improvements for the J-Church line at 21st Street and Chattanooga Street; adopting findings that the agreements are exempt from Environmental Review and are consistent with the City's General Plan and Eight Priority Policies of City Planning Code Section 101.1; and authorizing the Executive Director/CEO of the San Francisco Municipal Transportation Agency and the Director of Property to execute documents and take certain actions in furtherance of this resolution.

Resolution No. 531-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

081401 [Street Name Change to Timothy Pflueger Place]
Supervisor Peskin

Resolution changing the name of Chelsea Place in the downtown district to "Timothy Pflueger Place," in recognition of Timothy Pflueger's many contributions to the City of San Francisco.

Resolution No. 533-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081502 [Preferred Alternative for the South Access for the Golden Gate Bridge: Doyle Drive Project]
Supervisor McGoldrick**

Resolution approving the Preferred Alternative for the South Access for the Golden Gate Bridge: Doyle Drive Project.

Resolution No. 525-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081562 [Establishing City policy supporting Smart Grid technology and protocols for City electric systems]
Supervisor Peskin**

Resolution establishing City policy supporting Smart Grid technology and protocols for City electric systems and urging the Public Utilities Commission to prepare a study to identify the most effective and economic means to implement smart grid technology.

Resolution No. 537-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

ROLL CALL FOR INTRODUCTIONS

081575 [Board of Supervisors Seniority]

Lottery to determine the seniority of the new members of the Board of Supervisors to be scheduled at the Tuesday, December 16, 2009 Board meeting. (Clerk of the Board)

The Clerk of the Board read the names of the Supervisors-elect, excluding Supervisor Campos, as he was previously appointed by the Mayor and will be first in seniority among the Supervisors elected on November 4, 2008.

Each name was placed on a slip of paper and placed in an envelope and then placed into a drum. One by one, the Deputy Clerk withdrew one envelope and the Clerk of the Board read the name.

The following is the order in which the names were read to determine the seniority order for the purpose of selecting office space, Chamber seat, parking space and compensated positions:

*Supervisor-elect Eric Mar
Supervisor-elect John Avalos
Supervisor-elect David Chiu*

FILED.

PUBLIC COMMENT

An opportunity for members of the public to directly address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board, including items being considered today which have not been considered by a Board committee and excluding items which have been considered by a Board committee. Members of the public may address the Board for up to three minutes. Each member of the public will be allotted the same number of minutes to speak, except that public speakers using translation assistance will be allowed to testify for twice the amount of the public testimony time limit. If simultaneous translation services are used, speakers will be governed by the public testimony time limit applied to speakers not requesting translation assistance. The President or the Board may limit the total testimony to 30 minutes. Members of the public who want a document placed on the overhead for display should clearly state such and subsequently remove the document when they want the screen to return to live coverage of the meeting.

*James Chaffee; expressed concern with issues relating to the SF Public Library
Ernestine Weiss; expressed concern with issues relating to renaming a park after Sue Bierman
Carol McGruder; expressed an interest in receiving money from the State of California in an effort to fight against tobacco companies
Richard McRee; expressed concern with issues relating to his patent for the design of Sigmund Stern Grove
Walter; shared with the Board certain SF memorabilia
Ms. Casey; showed support of Item 82 requesting California to establish a do not mail registry
Linda Wells; showed support of Item 82 requesting California to establish a do not mail registry
Dan Nelson; expressed opposition to Item 82 requesting California to establish a do not mail registry
Dee Muddilin; expressed concern with issues relating to Lennar construction company
Male speaker; showed support of Item 82 requesting California to establish a do not mail registry
Male speaker; expressed concern with issues relating to dispatching of cabs
Male speaker; shared with the Board his religious beliefs
Male speaker; expressed opposition to Item 82 requesting California to establish a do not mail registry
Mr. Soo; expressed opposition to Item 82 requesting California to establish a do not mail registry*

FOR ADOPTION WITHOUT COMMITTEE REFERENCE

These measures were introduced for adoption without committee reference. A unanimous vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

**081567 [Commending Gerald H. Bibelheimer and his stellar work as a Social Worker throughout the City and County of San Francisco]
Supervisor Dufty**

Resolution commending Gerald H. Bibelheimer and his stellar work as a Social Worker throughout the City and County of San Francisco for the past 20 years.

**Resolution No. 543-08
ADOPTED**

**081568 [Resolution to commend the 5th Anniversary of the opening of the Noe Valley Farmers' Market]
Supervisor Dufty**

Resolution to commend the 5th Anniversary of the opening of the Noe Valley Farmers' Market.

Resolution No. 544-08

ADOPTED

**081570 [Honoring Scott Hall and the Gay American Heroes]
Supervisors Dufty, Campos**

Resolution honoring Scott Hall and the Gay American Heroes

Resolution No. 545-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081571 [Supporting the public process in development of the master plan for Ocean Beach]
Supervisors Chu, McGoldrick, Elsbernd**

Resolution supporting the public process of the development of the master plan for Ocean Beach.

Resolution No. 526-08

ADOPTED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

**081572 [Commemorating 65th anniversary of repeal of 1882 Chinese Exclusion Act]
Supervisors Chu, Mirkarimi, Maxwell, Campos**

Resolution commemorating December 17, 2008 as the 65th Anniversary of the repeal of the 1882 Chinese Exclusion Act, which was the first significant restriction on free immigration in United States history.

Supervisor Campos requested to be added as a co-sponsor.

Resolution No. 546-08

ADOPTED

081391 [Final Map - Hudson Avenue (No Situs)]

Motion approving Final Map 5210, a 7 Lot Subdivision Project, located at Hudson Avenue (No Situs) being a subdivision of Lot 203 in Assessors Block No. 4711 and adopting findings pursuant to the General Plan and City Planning Code Section 101.1. (Public Works Department)

(DPW Order 177,959; District 10.)

Motion No. M08-186

APPROVED by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

- 081573** [Approving an application form for Boards, Commissions and Committees and specifying a supplemental form for applicants to Reentry Council seats designated for former inmates]
Supervisor Mirkarimi

Motion approving use of designated application form for applicants to Boards, Commissions and Committees and specifying a supplemental application for those seeking the former inmates seats on Reentry Council to ascertain experiential qualifications and avoid unfair stigmatization of the formerly incarcerated applicants.

Motion No. M08-185

APPROVED

The foregoing items were acted upon by the following vote:

Ayes: 11 - Alioto-Pier, Campos, Chu, Daly, Dufty, Elsbernd, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Severed From the Adoption Without Committee Reference Agenda

Supervisor Daly requested that this matter be severed so that it might be considered separately.

- 081569** [Honoring Rodel Rodis for sixteen years of service to City College of San Francisco]
Supervisor Dufty

Resolution honoring Rodel Rodis for sixteen years of service to City College of San Francisco.

REFERRED to the Rules Committee.

Supervisor Mirkarimi requested that this matter be severed so that it might be considered separately.

- 081526** [Requesting California establish a Do Not Mail Registry]
Supervisors Mirkarimi, Dufty, Campos

Resolution urging the California State Legislature to establish a Do Not Mail Registry.

Supervisor Campos requested to be added as a co-sponsor.

REFERRED to the City Operations and Neighborhood Services Committee by the following vote:

Ayes: 6 - Alioto-Pier, Campos, Chu, McGoldrick, Mirkarimi, Peskin

Noes: 3 - Daly, Elsbernd, Maxwell

Absent: 2 - Dufty, Sandoval

OFF-AGENDA LEGISLATION

Ordinances

- 081596 [Accept and Expend FY 08 Homeland Security Grant Program Grant and Amend Annual Salary Ordinance, FY 2008-2009 - \$2,112,026]
Supervisor Alioto-Pier**

Ordinance authorizing the Department of Emergency Management (DEM) to retroactively accept and expend a Homeland Security Grant Program grant in the amount of \$2,112,026 from the United States Department of Homeland Security, through the California Governor's Office of Homeland Security, for disaster planning, and amending Ordinance No. 141-08 (Annual Salary Ordinance, FY 2008-2009) to reflect the addition of three grant-funded positions at the Controller's Office, Mayor's Office on Disability, and Animal Care and Control. 12/16/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 081598 [Public Works Code - Appellate body for minor sidewalk encroachments]
Supervisor Elsbernd**

Ordinance amending the Public Works Code Section 723.2 to change the appellate body for Minor Sidewalk Encroachment Permits from the Board of Supervisors to the Board of Permit Appeals. 12/16/08, ASSIGNED UNDER 30 DAY RULE to Land Use and Economic Development Committee, expires on 1/15/2009.

- 081604 [Amending FY 2008-2009 Annual Salary Ordinance]
Mayor**

Ordinance amending Ordinance No. 141-08 (Annual Salary Ordinance 2008-2009) to reflect the addition of the following four positions: one 5642 Senior Environmental Specialist (0.40 FTE); two 5640 Environmental Specialists (0.40 FTE each); and one 5638 Environmental Assistant (0.40 FTE) at the Department of the Environment.

(Fiscal Impact.)

12/16/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

- 081600 [Closing Potrero Power Plant, adopting clean energy goals, and updating the Electricity Resource Plan]
Supervisor Maxwell**

Ordinance establishing City policy to take all feasible steps to close the entire Potrero Power Plant as soon as possible and urging the Public Utilities Commission to immediately prepare a plan to close the Potrero Power Plant; and establishing clean energy goals; and urging the Public Utilities Commission to update the Electricity Resource Plan.

12/16/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

Resolutions

- 081569 [Honoring Rodel Rodis for sixteen years of service to City College of San Francisco]
Supervisor Dufty**

Resolution honoring Rodel Rodis for sixteen years of service to City College of San Francisco.

12/9/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/16/08, REFERRED to Rules Committee.

**081526 [Requesting California establish a Do Not Mail Registry]
Supervisors Mirkarimi, Dufty, Campos**

Resolution urging the California State Legislature to establish a Do Not Mail Registry.

11/25/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

12/9/08, CONTINUED. Continued to December 16, 2008.

12/16/08, REFERRED to City Operations and Neighborhood Services Committee. Supervisor Campos requested to be added as a co-sponsor.

**081599 [Accept and expend grant - US Department of Justice Office of Violence Against Women - \$499,755]
Supervisor Elsbernd**

Resolution authorizing the Mayor's Office of Community Investment (MOCI) to accept and expend a grant in the amount of \$499,755 from the Department of Justice (DOJ), Office of Violence Against Women (OVW), FY2008 Enhanced Training and Services to End Violence Against and Abuse of Women Later in Life Program.

12/16/08, RECEIVED AND ASSIGNED to Public Safety Committee.

**081601 [Accept Local Gift of Services - \$430,000]
Supervisor Maxwell**

Resolution authorizing the Port of San Francisco to accept a gift of services with an estimated value of \$430,000 from the Copra Crane Labor Landmark Association, a non-profit organization, for the restoration and preservation of the Port of San Francisco's "Copra Crane," located at Pier 84.

12/16/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081602 [Transferring streetscape improvements along Fillmore Street from the SFRA to the City]
Supervisor Mirkarimi**

Resolution terminating a Major Street Encroachment Permit and recognizing the termination of three Minor Street Encroachment Permits and Public Work Order No. 172,568, all pertaining to the installation and maintenance of streetscape improvements along portions of Fillmore Street between Post and McAllister Streets and transferring the ongoing maintenance responsibility for the streetscape improvements from the San Francisco Redevelopment Agency to the City in exchange for 1.8 million dollars.

12/16/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081603 [Redevelopment Agency Budget]
Mayor, Supervisor Mirkarimi**

Resolution approving an amendment to the budget of the Redevelopment Agency of the City and County of San Francisco for fiscal year 2008-09 to reprogram \$3,392,000 of funds budgeted for the Western Addition A2 Plan Area from the Muni Substation line item to the Western Addition A2 Revolving Loan Program line item in the amount of \$2,492,000 to the Fillmore Jazz Preservation District Development Revolving Loan Program in the amount \$500,000 and to a new Western Addition A2 property management line item in the amount of \$400,000.

(Fiscal Impact.)

12/16/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

**081606 [Accept-Expend Federal Grant for Oil Spill Response Planning - \$30,965]
Supervisor Chu**

Resolution authorizing the Department of Emergency Management (DEM) to accept and expend retroactively a grant in the amount of \$30,965 from the California Department of Fish and Game for oil spill response planning, for the period July 1, 2008 through June 30, 2009.

12/16/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**081607 [Accept and Expend State Grant - Port of San Francisco - \$15,000]
Supervisor Maxwell**

Resolution authorizing the Port of San Francisco to accept and expend a grant in the amount of \$15,000 from the California Department of Boating and Waterways, Abandoned Watercraft Abatement Fund for removal and demolition of abandoned recreational watercraft on the Port's waterfront.

12/16/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

**081613 [City actions on expiration of Western Addition A-2 Redevelopment Plan]
Supervisor Mirkarimi**

Resolution urging various City actions upon the expiration of the Western Addition A-2 Redevelopment Plan to insure a smooth transition from the Redevelopment Agency to the City's jurisdiction.

12/16/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

Request for Hearing

**081593 [Relocation of the Kirkland Bus Yard from Fisherman's Wharf]
Supervisor Alioto-Pier**

Hearing will consider the relocation or change in use of the Kirkland Bus Yard at Fisherman's Wharf. Specifically, the hearing will consider the MTA's plan for the yard, timeline for any changes and input of the neighbors.

12/16/08, RECEIVED AND ASSIGNED to Land Use and Economic Development Committee.

**081594 [Review the San Francisco Police Department's traffic stop protocols]
Supervisor Campos**

Hearing to review the San Francisco Police Department's traffic stop protocols.

12/16/08, RECEIVED AND ASSIGNED to Public Safety Committee.

**081595 [Management Positions]
Supervisor Daly**

Hearing to review all new management positions created and filled since FY 2003, as well as the total number and percentage of managers included in the FY 2008-2009 mid-year lay-offs.

12/16/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Motions**081608 [Appointment to San Francisco Local Agency Formation Commission - Supervisor David Campos]
Supervisor Mirkarimi**

Motion appointing Supervisor Campos for the unexpired portion of a four-year term ending February 20, 2011, to the San Francisco Local Agency Formation Commission.

12/16/08, REFERRED FOR ADOPTION WITHOUT COMMITTEE REFERENCE AGENDA AT THE NEXT BOARD MEETING.

081609 [Appointment, Historical Preservation Commission - Alan Martinez]

Motion approving the Mayor's nomination for appointment of Alan Martinez to the Historical Preservation Commission, Seat No. 1, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081610. Transmittal date – December 4, 2008.)

12/12/08, RECEIVED AND ASSIGNED to Rules Committee.

081610 [Appointment, Historical Preservation Commission - Alan Martinez]

Motion rejecting the Mayor's nomination for appointment of Alan Martinez to the Historical Preservation Commission, Seat No. 1, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081609. Transmittal date – December 4, 2008.)

12/12/08, RECEIVED AND ASSIGNED to Rules Committee.

081611 [Appointment, Historical Preservation Commission - Tammy Chan]

Motion approving the Mayor's nomination for appointment of Tammy Chan to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081612. Transmittal date – December 4, 2008.)

12/12/08, RECEIVED AND ASSIGNED to Rules Committee.

081612 [Appointment, Historical Preservation Commission - Tammy Chan]

Motion rejecting the Mayor's nomination for appointment of Tammy Chan to the Historical Preservation Commission, Seat No. 7, for a four-year term ending date to be determined. (Clerk of the Board)

(Section 4.135 of the City Charter provides that this nomination is subject to approval by the Board of Supervisors and shall be the subject of a public hearing and vote within 60 days from the date the nomination is transmitted to the Clerk of the Board. If the Board fails to act on the nomination within 60 days of the date the nomination is transmitted to the Clerk then the nominee shall be deemed approved; companion measure to File 081611. Transmittal date - December 4, 2008.)

12/12/08, RECEIVED AND ASSIGNED to Rules Committee.

Charter Amendment**081597 [Rainy Day Reserve]
Supervisor Daly**

Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco by amending Section 9.113.5, to allow the City to appropriate up to 100 percent of the current balance in the Rainy Day Reserve, not to exceed 20 percent of the projected deficit, in years in which a budgetary deficit of \$250 million or more is projected.

12/16/08, ASSIGNED UNDER 30 DAY RULE to Rules Committee, expires on 1/15/2009.

PROPOSED ORDINANCES**081395 [Settlement of Lawsuit - Denise Caicedo - \$47,500.00]**

Ordinance authorizing settlement of the lawsuit filed by Denise Caicedo against the City and County of San Francisco for \$47,500.00; the lawsuit was filed on September 22, 2006 in Superior, Case No. 456-426; entitled Denise Caicedo v. City and County of San Francisco, et al. (City Attorney)

11/24/08, RECEIVED AND ASSIGNED to Rules Committee.

PROPOSED RESOLUTIONS**081445 [Public Defender Requisition Request]**

Resolution granting the Office of the Public Defender's requisitions # P8023/1103021 and P8024/1103124. (Public Defender)

12/4/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

081468 [Emergency contract to design and install new, compliant emergency electrical generation system at San Francisco General Hospital]

Resolution approving an emergency public work contract under San Francisco Administrative Code Section 6.60, to install a new, permanent emergency electrical generation system at San Francisco General Hospital. (Public Works Department)

(Fiscal Impact.)

12/5/08, RECEIVED AND ASSIGNED to Budget and Finance Committee.

Requests Granted

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti at the following locations:

Phone Switch Boxes

Northwest corner of O'Farrell and Ellis

Northwest corner of Turk and Webster

Northeast corner of Scott and Waller

Northwest corner of Hayes and Webster

Garbage Cans

Southeast corner of Geary and Webster

Northeast corner of McAllister and Webster

Northwest corner of Buchanan and Haight

Northwest corner of Fulton and Broderick

Fire Hydrant

Southeast corner of Haight and Webster

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti at the following private property locations:

2285 Turk

541 Haight

420 Haight

546 Haight

122 Webster

55 Laguna (UC Campus-Haight Street side)

440 Rose (cross street Webster)

478-482 Haight

99 Webster

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting that the Department of Public Works report on the status of removing graffiti at the following locations:

Metal Poles

Northeast corner of McAllister and Webster

Northeast corner of Waller and Fillmore

Wood Poles

Southwest corner of Waller and Webster

Southwest corner of Oak and Webster

Bus Shelters

Southwest corner of Sutter and Laguna

Fillmore and Haight, all four corners-graffiti and dirty

Northeast corner of Fillmore and Hermann

Mailboxes

Northwest corner of Octavia and Haight

Southwest corner of Oak and Webster

Emergency Boxes

Northwest corner of Turk and Pierce

Southwest corner of Turk and Fillmore

From: Supervisor Mirkarimi

To: Director, Department of Public Works

Requesting/Inquiring: Requesting the Department of Public Works report on the status of removing graffiti from newsstands at the following locations:

San Francisco Bay Guardian

Southeast corner of Fillmore and Post

Southwest corner of Divisadero and Sutter

9th Avenue and Judah (near bus stops)

7th Avenue and Irving (near bus stops)

Southeast corner of Fillmore and Haight

San Francisco Chronicle

Southeast corner of Haight and Fillmore

Irving and 9th Avenue

Irving and 7th Avenue

Southwest corner of Haight and Clayton

Southeast corner of Haight and Masonic

San Francisco Examiner

Northwest corner of Fillmore and Hayes

Southeast corner of Haight and Fillmore

SF Daily

Northwest corner of Hayes and Gough

City Star

Southeast corner of Fillmore and Haight

SF Weekly

Southeast corner of Masonic and Haight

Southeast corner of Haight and Fillmore

In Memoriams

Al Furberg- Supervisor Dusty

Arthur David Levitt - Supervisor Mirkarimi

ADJOURNMENT

There being no further business the Board adjourned at the hour of 6:53 p.m.

Angela Calvillo, Clerk of the Board

N.B. The Minutes of this meeting set forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.

Approved by the Board of Supervisors on January 27, 2009.



Angela Calvillo
Clerk of the Board